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ż	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
	09/837,235	04/18/2001	Christopher P. Marshall	9725-005	1399	
	20583 7	7590 06/04/2003				
	PENNIE AND EDMONDS			ЕХАМП	EXAMINER	
		E OF THE AMERICAS NY 100362711		SAIDHA, TEKCHA	KCHAND	
				ART UNIT	PAPER NUMBER	
				1652	, \	
				DATE MAILED: 06/04/2003	()	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

-The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address— Peri d for Reply MONTH(S) FROM THE MAILING DATE A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication . - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). **Status** 4/24/02 (preliminary Amendmen Responsive to communication(s) filed on _ ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213. Disp sition of Claims Claim(s) _ is/are pending in the application. is/are withdrawn from consideration. Of the above claim(s) ... is/are allowed. ☐ Claim(s)_ is/are rejected. ☐ Claim(s)is/are objected to. ☐ Claim(s) Claim(s) are subject to restriction or election requirement. **Application Papers** ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. □ The proposed drawing correction, filed on ____ ____ is approved disapproved. ☐ The drawing(s) filed on_____ _____ is/are objected to by the Examiner. ☐ The specification is objected to by the Examiner. ☐ The oath or declaration is objected to by the Examiner. Pri rity under 35 U.S.C. § 119 (a)-(d) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d). ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been ☐ received in Application No. (Series Code/Serial Number)_ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)). *Certified copies not received:_ Attachment(s) ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). ☐ Interview Summary, PTO-413 ☐ Notice of Informal Patent Application, PTO-152 ☐ Notice of Reference(s) Cited, PTO-892 □ Other__ ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

*U.S. GPO: 1997-433-221/62717

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PTO-326 (Rev. 9-97)

Part of Paper No.

Application/Control Number: 09/837235 Page 2

Art Unit: 1652

Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, 14 (in-part), 17 (in-part) & 21, drawn to a first method of making a stabilized protein by selecting one or more residue pair using a statistical criteria, a protein cross-linked by the first method and composition comprising the cross-linked protein classified in class 424, subclass 193.1.
 - II. Claims 10-13, 14 (in-part), 15-16, 17 (in-part), & 18-20 & 22 drawn to a second method of making a stabilized protein selecting at least one or more tyrosine residue pair and a protein made by the second method comprising at least one di-tyrosine cross-link, classified in class 424, subclass 194.1.
- 2. The inventions are distinct, each from the other because of the following reasons:

The methods of Inventions I and II require different products and steps and have different endpoints. Therefore, Inventions I, and II are patentably distinct.

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to on to request an oral election to the above restriction requirement, but did not result in an election being made. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Application/Control Number: 09/837235

Art Unit: 1652

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

Page 3

inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventor ship must be accompanied by a request under 37 CFR 1.48(b) and by the fee

required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Tekchand Saidha (Ph.D.) whose telephone number is (703) 305-6595. The

examiner can normally be reached on Monday-Friday from 8:15 am to 4:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Ponnathapu Achutamurthy, can be reached at (703) 308-3804. The fax phone number for this Group

in the Technology Center is (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Tekchand Saidha

Primary Examiner, Art Unit 1652

June 2, 2003